

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 28, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AARON JOSEPH CUNNINGHAM,

Plaintiff,

v.

UNITED STATES JUDICIAL
SYSTEM and UNITED STATES OF
AMERICA,

Defendants.

No. 1:23-cv-03061-MKD

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE/*IN FORMA PAUPERIS*
REQUIREMENTS

On May 23, 2023, the Court instructed Plaintiff Aaron Joseph Cunningham, a *pro se* federal pretrial detainee at the Kittitas County Jail, to provide a completed and signed Declaration and Application to Proceed *In Forma Pauperis* By a Prisoner Bringing a Civil Rights Action Pursuant to 42 U.S.C. § 1983, along with a statement of his inmate account for the six months immediately preceding April 24, 2023. ECF No. 4 at 3. These documents are required for a prisoner to proceed without prepayment of the filing fee. *See* 28 U.S.C. § 1915(a).

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FEE/*IN FORMA PAUPERIS* REQUIREMENTS - 1

1 In the alternative, the Court directed Plaintiff to pay the full \$402 filing fee
2 (\$350 filing fee, plus \$52 administrative fee) to commence this action. ECF No. 4
3 at 3.

4 Plaintiff did not comply with these directives and has filed nothing further.
5 Therefore, it appears Plaintiff has abandoned this litigation.

6 Accordingly, for the reasons set forth above, and in the Court's prior Order,
7 ECF No. 4, **IT IS ORDERED** that this action is **DISMISSED WITHOUT**
8 **PREJUDICE** for failure to comply with the filing fee and *in forma pauperis*
9 requirements of 28 U.S.C. §§ 1914 and 1915.

10 The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this
11 Order would not be taken in good faith and would lack any arguable basis in law or
12 fact.

13 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
14 enter judgment, provide copies to Plaintiff at his last known address, and **CLOSE**
15 the file.

16 **DATED** June 28, 2023.

17
18 s/Mary K. Dimke
19 MARY K. DIMKE
20 UNITED STATES DISTRICT JUDGE